



General Assembly

February Session, 2016

***Raised Bill No. 5614***

LCO No. 2689



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT RAISING THE THRESHOLD FOR STATE CONSTRUCTION  
CONTRACTS REQUIRING THE APPROVAL OF THE DEPARTMENT  
OF ADMINISTRATIVE SERVICES AND COMPETITIVE BIDDING.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. Section 4b-52 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective from passage*):

3       (a) (1) No repairs, alterations or additions involving expense to the  
4       state of [five hundred thousand] one million dollars or less or, in the  
5       case of repairs, alterations or additions to a building rented or  
6       occupied by the Judicial Branch, one million two hundred fifty  
7       thousand dollars or less or, in the case of repairs, alterations or  
8       additions to a building rented or occupied by a constituent unit of the  
9       state system of higher education, two million dollars or less, shall be  
10      made to any state building or premises occupied by any state officer,  
11      department, institution, board, commission or council of the state  
12      government and no contract for any construction, repairs, alteration or  
13      addition shall be entered into without the prior written approval of the

14 Commissioner of Administrative Services and notification to the  
15 Secretary of the Office of Policy and Management, except repairs,  
16 alterations or additions to a building under the supervision and  
17 control of the Joint Committee on Legislative Management and repairs,  
18 alterations or additions to a building under the supervision of The  
19 University of Connecticut. Repairs, alterations or additions which are  
20 made pursuant to such approval of the Commissioner of  
21 Administrative Services shall conform to all guidelines and procedures  
22 established by the Department of Administrative Services for agency-  
23 administered projects. (2) Notwithstanding the provisions of  
24 subdivision (1) of this subsection, repairs, alterations or additions  
25 involving expense to the state of [five hundred thousand] one million  
26 dollars or less may be made to any state building or premises under  
27 the supervision of the Office of the Chief Court Administrator or a  
28 constituent unit of the state system of higher education, under the  
29 terms of section 4b-11, and any contract for any such construction,  
30 repairs or alteration may be entered into by the Office of the Chief  
31 Court Administrator or a constituent unit of the state system of higher  
32 education without the approval of the Commissioner of  
33 Administrative Services.

34 (b) Except as provided in this section, no repairs, alterations or  
35 additions involving an expense to the state of more than [five hundred  
36 thousand] one million dollars or, in the case of any repair, alteration or  
37 addition administered by the Department of Administrative Services,  
38 more than one million five hundred thousand dollars, shall be made to  
39 any state building or premises occupied by any state officer,  
40 department, institution, board, commission or council of the state  
41 government, nor shall any contract for any construction, repairs,  
42 alteration or addition be entered into, until the Commissioner of  
43 Administrative Services or, in the case of the construction of or repairs,  
44 alterations or additions to a building under the supervision and  
45 control of the Joint Committee on Legislative Management of the  
46 General Assembly, said joint committee or, in the case of the

47 construction [,] of or repairs, alterations or additions to a building  
48 involving expenditures in excess of [five hundred thousand] one  
49 million dollars but not more than one million two hundred fifty  
50 thousand dollars under the supervision and control of the Judicial  
51 Branch, said Judicial Branch or, in the case of the construction [,] of or  
52 repairs, alterations or additions to a building involving expenditures in  
53 excess of [five hundred thousand] one million dollars but not more  
54 than two million dollars under the supervision and control of one of  
55 the constituent units of higher education, the constituent unit, has  
56 invited bids thereon and awarded a contract thereon, in accordance  
57 with the provisions of sections 4b-91 to 4b-96, inclusive, as amended  
58 by this act. The Commissioner of Administrative Services, with the  
59 approval of the authority having the supervision of state employees or  
60 the custody of inmates of state institutions, without the necessity of  
61 bids, may employ such employees or inmates and purchase or furnish  
62 the necessary materials for the construction, erection, alteration, repair  
63 or enlargement of any such state building or premises occupied by any  
64 state officer, department, institution, board, commission or council of  
65 the state government.

66 (c) Whenever the Commissioner of Administrative Services declares  
67 that an emergency condition exists at any state facility, other than a  
68 building under the supervision and control of the Joint Committee on  
69 Legislative Management, and that the condition would adversely  
70 affect public safety or the proper conduct of essential state government  
71 operations, or said joint committee declares that such an emergency  
72 exists at a building under its supervision and control, the  
73 commissioner or the joint committee may employ such assistance as  
74 may be required to restore facilities under their control and  
75 management, or the commissioner may so act upon the request of a  
76 state agency, to restore facilities under the control and management of  
77 such agency, without inviting bids as required in subsection (b) of this  
78 section. The commissioner shall take no action requiring the  
79 expenditure of more than one million five hundred thousand dollars to

80 restore any facility under this subsection (1) without the written  
81 consent of the Governor, and (2) until the commissioner has certified to  
82 the Joint Committee on Legislative Management that the project is of  
83 such an emergency nature that an exception to subsection (b) of this  
84 section is required. Such certification shall include input from all  
85 affected agencies, detail the need for the exception and include any  
86 relevant documentation. The provisions of this subsection shall not  
87 apply if any person is obligated under the terms of an existing contract  
88 with the state to render such assistance. The annual report of the  
89 commissioner shall include a detailed statement of all expenditures  
90 made under this subsection.

91 (d) The Commissioner of Administrative Services may, during the  
92 term of a lease of a building or premises occupied by any state offices,  
93 department, institution, board, commission or council of the state  
94 government, (1) renegotiate the lease in order to enable the lessor to  
95 make necessary alterations or additions up to a maximum amount of  
96 five hundred thousand dollars, subject to the approval of the State  
97 Properties Review Board, or (2) require that a security audit be  
98 conducted for such building or premises and, if necessary, renegotiate  
99 the lease in order to enable the lessor to make necessary alterations or  
100 additions to bring the building or premises into compliance with the  
101 security standards for state agencies established under section 4b-132.  
102 Alterations or additions under subdivision (2) of this subsection shall  
103 not be subject to the spending limit in subdivision (1) of this  
104 subsection, and a renegotiated lease under said subdivision (2) shall be  
105 subject to the approval of the State Properties Review Board, provided  
106 such approval requirement shall not compromise the security  
107 requirements of chapter 60a and this section. The commissioner shall  
108 determine the manner of submission, conditions and requirements of  
109 bids and awards made for alterations or additions under this  
110 subsection. No lease shall be renegotiated under this subsection for a  
111 term less than five years. As used in this subsection, "security" and  
112 "security audit" have the meanings assigned to such terms in section

113 4b-130.

114 Sec. 2. Subsection (a) of section 4b-91 of the general statutes is  
115 repealed and the following is substituted in lieu thereof (*Effective from*  
116 *passage*):

117 (a) (1) As used in this section, "prequalification classification" means  
118 the prequalification classifications established by the Commissioner of  
119 Administrative Services pursuant to section 4a-100, "public agency"  
120 has the same meaning as provided in section 1-200 and "awarding  
121 authority" means the Department of Administrative Services, except  
122 "awarding authority" means (A) the Joint Committee on Legislative  
123 Management, in the case of a contract for the construction of or work  
124 on a building or other public work under the supervision and control  
125 of the joint committee, or (B) the constituent unit of the state system of  
126 higher education, in the case of a contract for the construction of or  
127 work on a building or other public work under the supervision and  
128 control of such constituent unit.

129 (2) Except as provided in subdivision (3) of this subsection, every  
130 contract for the construction, reconstruction, alteration, remodeling,  
131 repair or demolition of any public building or any other public work  
132 by the state that is estimated to cost more than five hundred thousand  
133 dollars shall be awarded to a contractor who is prequalified pursuant  
134 to section 4a-100 and, in addition, any such contract that is estimated  
135 to cost more than one million dollars shall be awarded to the lowest  
136 responsible and qualified general bidder [who is prequalified pursuant  
137 to section 4a-100] on the basis of competitive bids in accordance with  
138 the procedures set forth in this chapter, after the awarding authority  
139 has invited such bids by posting notice on the State Contracting Portal.  
140 The awarding authority shall indicate the prequalification  
141 classification required for the contract in such notice.

142 (3) The requirements set forth in subdivision (2) of this subsection  
143 shall not apply to (A) a public highway or bridge project or any other

144 construction project administered by the Department of  
145 Transportation, or (B) a contract awarded by the Commissioner of  
146 Administrative Services for (i) any public building or other public  
147 works project administered by the Department of Administrative  
148 Services that is estimated to cost one million five hundred thousand  
149 dollars or less, (ii) a community court project, as defined in subsection  
150 (j) of section 4b-55, (iii) the downtown Hartford higher education  
151 center project, as defined in subsection (l) of section 4b-55, (iv) a  
152 correctional facility project, as defined in subsection (m) of section 4b-  
153 55, (v) a juvenile detention center project, as defined in subsection (n)  
154 of section 4b-55, or (vi) a student residential facility for the Connecticut  
155 State University System that is a priority higher education facility  
156 project, as defined in subsection (f) of section 4b-55.

157 (4) Every contract for the construction, reconstruction, alteration,  
158 remodeling, repair or demolition of any public building or any other  
159 public work by a public agency that is paid for, in whole or in part,  
160 with state funds and that is estimated to cost more than five hundred  
161 thousand dollars shall be awarded to a bidder that is prequalified  
162 pursuant to section 4a-100 and, in addition, any such contract that is  
163 estimated to cost more than one million dollars shall be awarded to a  
164 bidder after the public agency has invited such bids by posting notice  
165 on the State Contracting Portal, except for (A) a public highway or  
166 bridge project or any other construction project administered by the  
167 Department of Transportation, or (B) any public building or other  
168 public works project administered by the Department of  
169 Administrative Services that is estimated to cost one million five  
170 hundred thousand dollars or less. The awarding authority or public  
171 agency, as the case may be, shall indicate the prequalification  
172 classification required for the contract in such notice.

173 (5) (A) The Commissioner of Administrative Services may select  
174 contractors to be on lists established for the purpose of providing  
175 contractor services for the construction, reconstruction, alteration,  
176 remodeling, repair or demolition of any public building or other public

177 works project administered by the Department of Administrative  
178 Services involving an expense to the state of one million five hundred  
179 thousand dollars or less. The commissioner shall use the  
180 prequalification classifications established pursuant to section 4a-100  
181 to determine the specific categories of services that contractors may  
182 perform after being selected in accordance with this subparagraph and  
183 subparagraph (B) of this subdivision and awarded a contract in  
184 accordance with subparagraph (C) of this subdivision. The  
185 commissioner may establish a separate list for projects involving an  
186 expense to the state of less than five hundred thousand dollars for the  
187 purpose of selecting and utilizing the services of small contractors and  
188 minority business enterprises, as such terms are defined in section 4a-  
189 60g.

190 (B) The commissioner shall invite contractors to submit  
191 qualifications for each specific category of services sought by the  
192 department by posting notice of such invitation on the State  
193 Contracting Portal. The notice shall be in the form determined by the  
194 commissioner, and shall set forth the information that a contractor is  
195 required to submit to be considered for selection. Upon receipt of the  
196 submittal from the contractor, the commissioner shall select, for each  
197 specified category, those contractors who (i) are determined to be the  
198 most responsible and qualified, as such terms are defined in section 4b-  
199 92, to perform the work required under the specified category, (ii) have  
200 demonstrated the skill, ability and integrity to fulfill contract  
201 obligations considering their past performance, financial responsibility  
202 and experience with projects of the size, scope and complexity  
203 required by the state under the specified category, and (iii) for projects  
204 with a cost exceeding five hundred thousand dollars, have the ability  
205 to obtain the requisite bonding. The commissioner shall establish the  
206 duration that each list remains in effect, which in no event may exceed  
207 three years.

208 (C) For any public building or public works project involving an  
209 expense to the state of one million five hundred thousand dollars or

210 less, the commissioner shall invite bids from only those contractors  
211 selected pursuant to subparagraphs (A) and (B) of this subdivision for  
212 the specific category of services required for the particular project. The  
213 commissioner shall determine the form of bid invitation, the manner  
214 of, and time for, submission of bids, and the conditions and  
215 requirements of such bids. The contract shall be awarded to the lowest  
216 responsible and qualified bidder, subject to the provisions of sections  
217 4b-92 and 4b-94. In the event that fewer than three bids are received in  
218 response to an invitation to bid under this subdivision, or that all the  
219 bids are in excess of the amount of available funds for the project, the  
220 commissioner may negotiate a contract with any of the contractors  
221 submitting a bid, or reject the bids received and rebid the project in  
222 accordance with this section.

223 Sec. 3. Subsection (b) of section 4b-51 of the general statutes is  
224 repealed and the following is substituted in lieu thereof (*Effective from*  
225 *passage*):

226 (b) No officer, department, institution, board, commission or council  
227 of the state government, except the Commissioner of Administrative  
228 Services, the Commissioner of Transportation, the Connecticut  
229 Marketing Authority, the Department of Agriculture for purposes of  
230 the program established pursuant to section 26-237a, the Joint  
231 Committee on Legislative Management, the Judicial Branch or a  
232 constituent unit of the state system of higher education as authorized  
233 in subsection (a) of this section, shall, unless otherwise specifically  
234 authorized by law, make or contract for the making of any alteration,  
235 repair or addition to any real asset involving an expenditure of more  
236 than [five hundred thousand] one million dollars.

237 Sec. 4. Section 4e-42 of the general statutes is repealed and the  
238 following is substituted in lieu thereof (*Effective from passage*):

239 Not later than June 1, 2010, the State Contracting Standards Board  
240 shall adopt regulations, in accordance with the provisions of chapter



241 54, that require bid security for all competitive sealed bidding for  
242 construction contracts in a design-bid-build procurement when the  
243 price is estimated by the state contracting agency to exceed [five  
244 hundred thousand] one million dollars.

245 Sec. 5. Subdivision (2) of subsection (c) of section 10a-109n of the  
246 general statutes is repealed and the following is substituted in lieu  
247 thereof (*Effective from passage*):

248 (2) (A) Except as provided in subparagraph (B) of this subdivision,  
249 any total cost basis contract or other contract for the construction of a  
250 university project which is estimated to cost more than five hundred  
251 thousand dollars [,] shall be awarded to a contractor that is  
252 prequalified pursuant to section 4a-100 and any such contract which is  
253 estimated to cost more than one million dollars shall be publicly let by  
254 the university. The university shall give notice to contractors interested  
255 in prequalifying to submit a project proposal or bid, by advertising, at  
256 least once, in one or more newspapers having general circulation in the  
257 state and by posting the advertisement on the university web site. The  
258 notice to prequalify shall contain the requirement that contractors be  
259 prequalified pursuant to section 4a-100, a statement of the time and  
260 place where the responses shall be received and such additional  
261 information as the university deems appropriate. Upon receipt of such  
262 responses, the university shall select each contractor who has been  
263 prequalified pursuant to section 4a-100 and has shown itself able to  
264 post surety bonds required by such contract and has demonstrated  
265 that it possesses the financial, managerial and technical ability and the  
266 integrity necessary and without conflict of interest for faithful and  
267 efficient performance of the work provided for therein. The university  
268 shall evaluate whether each such contractor is responsible and  
269 qualified based on its experience with projects similar to that for which  
270 the bid or proposal is to be submitted and based on objective written  
271 criteria included in the application to request prequalification with  
272 respect to such contract. The university shall also consider whether a  
273 contractor, and any subcontractor on the contractor's previous projects,

274 has been in compliance with the provisions of part III of chapter 557  
275 and chapter 558 during the previous five calendar years.

276 (B) Notwithstanding the provisions of subparagraph (A) of this  
277 subdivision, the board of trustees may approve a total cost basis  
278 contract or other contract for the construction of a university project  
279 which is estimated to cost more than [five hundred thousand] one  
280 million dollars that has not been publicly let pursuant to the provisions  
281 of said subparagraph (A), provided the board deems the contract to  
282 address an emergency.

283 Sec. 6. Section 13b-20n of the general statutes is repealed and the  
284 following is substituted in lieu thereof (*Effective from passage*):

285 With respect to any contract for the construction, reconstruction,  
286 alteration, remodeling, repair or demolition of any public building  
287 under the supervision and control of the Commissioner of  
288 Transportation which contract is estimated to cost more than [five  
289 hundred thousand] one million dollars and is not subject to section 4b-  
290 51, as amended by this act, the Commissioner of Transportation shall  
291 award the contract to the lowest responsible and qualified bidder, as  
292 defined in section 4b-92, in accordance with regulations which the  
293 commissioner shall adopt, in accordance with chapter 54. Such  
294 regulations shall establish, at a minimum: (1) Standards for the  
295 advertisement of opportunities to bid, (2) objective criteria for  
296 evaluating the qualifications of bidders, (3) the procedures for  
297 evaluating bids after the prequalification status of a bidder has been  
298 verified, and (4) award panels for the purpose of screening submitted  
299 proposals, interviewing bidders and making recommendations to the  
300 commissioner. Any contract that is subject to section 4b-51, as  
301 amended by this act, shall be awarded by the Commissioner of  
302 Administrative Services in accordance with chapter 60.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	4b-52
Sec. 2	<i>from passage</i>	4b-91(a)
Sec. 3	<i>from passage</i>	4b-51(b)
Sec. 4	<i>from passage</i>	4e-42
Sec. 5	<i>from passage</i>	10a-109n(c)(2)
Sec. 6	<i>from passage</i>	13b-20n

***Statement of Purpose:***

To increase the threshold for construction contracts requiring the approval of the Department of Administrative Services and competitive bidding from five hundred thousand dollars to one million dollars and to require the notification of the Secretary of the Office of Policy and Management for certain construction projects costing one million dollars or more.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*